

THURSDAY, MARCH 10, 1994

SEVENTY-THIRD LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Gordon Lee, Forrest Avenue Church of God, Lebanon, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Fisher.

PRESENT IN CHAMBER

Representative(s) Ramsey was/were recorded as being present in the Chamber.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed

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was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 0508 -- Highway Signs -- W.H. "Buck" Dyer Parkway.** by \*Mires.

Transportation Committee.

**\*House Joint Resolution No. 0512 -- General Assembly, Directed Studies -- Urges feasibility study for planting trees on interstate rights of way.** by \*Haun.

Transportation Committee.

**\*House Joint Resolution No. 0514 -- Highway Signs -- J. R. "Jim" Story Memorial Bridge, S.R. 242, Chisholm Creek, Lawrence County.** by \*Moore.

Transportation Committee.

### **RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for Monday, March 14, 1994:

**\*House Joint Resolution No. 0515 -- General Assembly, Statement of Intent or Position -- Supports efforts of Indiana-Tennessee Civil War Commission to establish memorials honoring Tennesseans of Camp Morton in State Capitol during bicentennial.** by \*Cole Ralph, \*Whitson.

**House Joint Resolution No. 0518 -- Memorials, Public Service -- Karolyn Henry.** by \*Kisber, \*McDaniel.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Monday, March 14, 1994:

**Senate Joint Resolution No. 0339 -- Memorials, Retirement -- Cathy De Caterina.**

**Senate Joint Resolution No. 0341 -- Memorials, Public Service -- Larry Keeton.**

**Senate Joint Resolution No. 0342 -- Memorials, Personal Occasion -- Louise and David Purner, 50th wedding anniversary.**

**Senate Joint Resolution No. 0344 -- Memorials, Retirement -- Dr. Frank Essex.**

**Senate Joint Resolution No. 0364 -- Memorials, Death -- Horace Wells.**

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**\*Senate Joint Resolution No. 0343** -- Memorials, Congress -- Urges establishment of "Family Day" as day of national observance.

State and Local Government Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2877** -- Alcoa -- Establishes lump sum monthly salary of \$75.00 for mayor and \$50.00 for other commissioners. Amends Chapter 510, Private Acts of 1919, as amended. by \*Anderson.

**House Bill No. 2878** -- Alcoa -- Allows board of commissioners or mayor to elect commissioners to nonsalaried positions on boards, commissions, authorities or bodies over which board or mayor have power of appointment or election of some or all of members. Amends Chapter 510, Private Acts of 1919, as amended. by \*Anderson.

**House Bill No. 2879** -- Shelby County -- Increases from \$1.50 to \$2.00 the fee imposed on all cases in all courts to finance county governmental library. Amends Chapter 275, Private Acts of 1970, as amended. by \*Williams K, \*Byrd, \*Kent, \*Turner L, \*Haley, \*Miller, \*Jones U, \*DeBerry, \*Brooks, \*Jones R, \*Hassell, \*Joyce, \*Chumney, \*Thompson, \*Dixon, \*Shirley, \*Kernell.

**House Bill No. 2880** -- Cornersville -- Repeals present charter; enacts new charter. Amends Chapter 563, Private Acts of 1915, as amended. by \*Fowlkes.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 1914** -- Sunset Laws -- Tennessee film, entertainment and music commission, June 30, 2002. Amends TCA, Title 4, Chs. 3, 29. (HB 1984).

**\*Senate Bill No. 1970** -- Traffic Safety -- Prohibits driver of motor vehicle from possessing open container of alcoholic beverage or beer. Amends TCA, Title 55, Ch. 8. (HB 2673).

**\*Senate Bill No. 2102** -- Guardianship -- Removes \$10,000 threshold as requirement for appointment of fiduciary for distribution of funds to minor or disabled person. Amends TCA, Title 34, Ch. 11. (HB 2309).

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**\*Senate Bill No. 2441** -- Sunset Laws -- State board of examiners for registered professional environmentalists, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 62, Ch. 17. (HB 2196).

**\*Senate Bill No. 2445** -- Sunset Laws -- State seed board, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 43, Ch. 10. (HB 2193).

**Senate Bill No. 2639** -- Drugs -- Revises fines and forfeitures for criminal offenses. Amends TCA, Title 39, Ch. 17, Pt. 4. (\*HB 2633).

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2875** -- Milan -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 2876** -- Tiptonville -- Held on Clerk's desk pending approval by local delegation.

**PRESENT IN CHAMBER**

Representative(s) Meyer was/were recorded as being present in the Chamber.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on Thursday, March 10, 1994, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 14, 1994**: House Bill(s) No(s). 1361, 2750, 2803 and 2364.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, March 14, 1994**: House Bill(s) No(s). 2085 and 2002.

**CONSENT CALENDAR**

**House Resolution No. 0144** -- Memorials, Personal Achievement -- Jenny Duke.

**House Resolution No. 0145** -- Memorials, Personal Achievement -- Bradley Allen Nave, Eagle Scout.

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**House Joint Resolution No. 0504 -- Memorials, Professional Achievement -- Mark D. Stooksbury.**

**House Joint Resolution No. 0505 -- Memorials, Sports -- Ferrell Deason "Dee" Loveless, official, TSSAA Hall of Fame.**

**House Joint Resolution No. 0507 -- Memorials, Death -- James Thomas Spradley, Jr.**

**House Joint Resolution No. 0509 -- Memorials, Professional Achievement -- Dr. Marek M. Pienkowski.**

**House Joint Resolution No. 0510 -- Memorials, Heroism -- Brian Butler.**

**House Joint Resolution No. 0513 -- Memorials, Sports -- Lewis County Middle School boys' basketball team, Tops in Tennessee State Tournament champions.**

**House Joint Resolution No. 0516 -- Memorials, Death -- Dinah Shore.**

**House Resolution No. 0146 -- Memorials, Public Service -- Jewell Jackson McCabe, contributions to African American community.**

**House Joint Resolution No. 0511 -- Memorials, Professional Achievement -- Dr. W.J. Julian, National Band Association Hall of Fame of Distinguished Band Conductors.**

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Joint Resolution No. 516: by Rep. Rigsby.**

Under the rules, House Joint Resolution No. 516 was/were placed at the foot of the calendar for Monday, March 14, 1994.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon,

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Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

**\*House Bill No. 2544** -- Taxes, Corporations -- Revises definitions and requirements relative to job tax credit against franchise tax. Amends TCA 67-4-908.

Rep. Kisber moved that **House Bill No. 2544** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 2545** -- Taxes, Excise -- Allows credit on excise tax return for percentage of purchase price of industrial machinery. Amends TCA 67-4-808.

Rep. Kisber moved that **House Bill No. 2545** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . . 97  
Noes. . . . . 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2743** -- State Government -- Transfers risk management responsibilities from department of finance and administration to department of the treasury. Amends TCA 4-3-1008; Title 4, Ch. 3, Pt. 24, 9-8-110; Title 12, Ch. 3, Pt. 9.

Rep. Purcell moved that House Bill No. 2743 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2743 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

Section 1. It is the intent of the general assembly that:

(1) The casualty risk program which was administered by the department of finance and administration shall be transferred to, and administered by, the department of the treasury on and after July 1, 1994.

(2) All staff, staff positions, equipment, supplies, property, funds and other resources of the program shall be transferred to the department of the treasury.

(3) References to the department of finance and administration relative to the casualty risk program appearing in Tennessee Code Annotated shall be deemed

to be references to the department of the treasury. The code commission is directed to change references to the existing names of officials, offices, agencies and entities, wherever they appear in Tennessee Code Annotated, to conform to the name of officials, offices, agencies and entities created by the provisions of this act. The code commission is authorized to make grammatical changes in the provisions of Tennessee Code Annotated to effectuate such changes.

(4) All rules, policies, and decisions related to the casualty risk program promulgated or issued by the department of finance and administration prior to, and in effect on July 1, 1994, shall remain in force and effect and shall be administered and enforced by the department of the treasury until duly amended, repealed, expired, modified or superseded.

Section 2. Tennessee Code Annotated, Section 4-3-1008(7), is amended by deleting it in its entirety.

Section 3. Tennessee Code Annotated, Section 9-8-110, is amended by deleting the words "commissioner of finance and administration shall be required to establish" and by substituting instead the words "state treasurer shall be required to administer".

Section 4. Tennessee Code Annotated, Section 12-3-901, is amended by deleting from the first sentence thereof the words "commissioner of finance and administration" and by substituting instead the words "state treasurer", and by deleting from the last sentence thereof the word "commissioner" and by substituting instead the words "state treasurer".

Section 5. Tennessee Code Annotated, Section 12-3-902(a), is amended by deleting the words "The commissioners of general services and finance and administration" and by substituting instead the words "The commissioner of general services and the state treasurer".

Section 6. Tennessee Code Annotated, Section 12-3-906, is amended by deleting the words "commissioner of finance and administration" and by substituting instead the words "state treasurer".

Section 7. Tennessee Code Annotated, Section 12-3-908, is amended by deleting from the first sentence thereof the words "commissioner of finance and administration" and by substituting instead the words "state treasurer", and by deleting from the last sentence thereof the word "commissioner" and by substituting instead the words "state treasurer".



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Section 8. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

Section 9. This act shall take effect on July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 2743**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 2739 -- Hotels and Restaurants -- Creates bed and breakfast homestay; exempts homestays from rules and regulations governing bed and breakfast establishments. Amends TCA 68-14-502, 503.**

On motion, House Bill No. 2739 was made to conform with **Senate Bill No. 2746**; the Senate Bill was substituted for the House Bill.

Rep. Garrett moved that **Senate Bill No. 2746** be passed on third and final consideration.

On motion, Rep. Pruitt withdrew Health and Human Resources Committee Amendment No. 1.

On motion, Rep. Pruitt withdrew Health and Human Resources Committee Amendment No. 2.

Rep. Garrett moved that **Senate Bill No. 2746** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	95
Noes. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Herron -- 1.

A motion to reconsider was tabled.

**House Bill No. 2569 -- Taxes, Privilege -- Exempts churches and nonprofit corporations from privilege tax imposed upon retail rental of private passenger motor vehicles. Amends TCA, Title 67, Ch. 4, Pt. 19.**

Rep. Garrett moved that **House Bill No. 2569** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	1
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Callicott -- 1.

Representatives present and not voting were: Fowlkes -- 1.

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A motion to reconsider was tabled.

**House Bill No. 2315 -- Tourism --** Increases from \$25,000 to \$35,000 limit on amount of funds contributed by local persons for development of local tourism that state will match. Amends TCA 4-3-2207.

On motion, House Bill No. 2315 was made to conform with **Senate Bill No. 2378**; the Senate Bill was substituted for the House Bill.

Rep. Moore moved that **Senate Bill No. 2378** be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 2378 by adding the following as a new section to precede the effective date section:

Section \_\_\_\_ . Implementation of the provisions of this act shall be subject to funding being provided in the general appropriations bill.

On motion, Amendment No. 1 was adopted.

Rep. Moore moved that **Senate Bill No. 2378**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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**House Bill No. 2673 -- Traffic Safety -- Prohibits driver of motor vehicle from possessing open container of alcoholic beverage or beer. Amends TCA, Title 55, Ch. 8.**

On motion, House Bill No. 2673 was made to conform with **Senate Bill No. 1970**; the Senate Bill was substituted for the House Bill.

Rep. Moore moved that **Senate Bill No. 1970** be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

**Senate Bill No. 1970** passed on third and final consideration by the following vote:

Ayes. . . . .	96
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Knight -- 1.

A motion to reconsider was tabled.

**REMARKS**

I did not vote Senate Bill No. 1970, because it will do absolutely nothing, it will not deter DUI charge. In the words of my father, it is not worth a hill of beans. I did not want to be part of a joke.

Rep. Peggy Sneed Knight

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2728 -- Local Government, General -- Provides for authority and responsibility to name roads and streets and assign property numbers for emergency communications districts. Amends TCA, Title 7, Ch. 86.**

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Rep. Duer moved that House Bill No. 2728 be passed on third and final consideration.

#### CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

#### REGULAR CALENDAR, CONTINUED

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 2728 by deleting the language "done in compliance with applicable regulations of" from the amendatory language of subsection (a) of Section 2, and by substituting instead the language "in a manner acceptable to".

AND FURTHER AMEND by deleting the words "naming or" from the amendatory language of subsection (c) of Section 1.

Rep. Duer requested that House Bill No. 2728 be moved to the heel of the Calendar.

**House Bill No. 2128 -- Taxes, Privilege --** Defines "flea market" as any contiguous space leased by single vendor to sell tangible personal property. Amends TCA 67-4-709.

Rep. Duer moved that **House Bill No. 2128** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

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A motion to reconsider was tabled.

**House Bill No. 2813** -- Alcoholic Beverages -- Adds facilities which may serve liquor by the drink. Amends TCA 57-4-102.

On motion, House Bill No. 2813 was made to conform with **Senate Bill No. 2767**; the Senate Bill was substituted for the House Bill.

Rep. Duer moved that **Senate Bill No. 2767** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	66
Noes. . . . .	12
Present and not voting. . . . .	9

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davis, DeBerry, Dixon, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Knight, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Peroulas Draper, Phelan, Pinion, Pruitt, Purcell, Rigsby, Robinson, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Westmoreland, Whitson, Windle, Wix, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Coffey, Davidson, Ferguson, Herron, McAfee, Phillips, Rhinehart, Ridgeway, Ritchie, Stockburger, Winningham, Wood -- 12.

Representatives present and not voting were: Boyer, Jackson, Johnson, Lewis, Owenby, Ramsey, Rinks, Williams (Union), Williams (Williamson) -- 9.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 2767 and have this statement entered in the Journal: Rep(s). Bell, Haley and Pinion.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from present not voting to no on Senate Bill No. 2767 and have this statement entered in the Journal: Rep(s). Walley.

REGULAR CALENDAR, CONTINUED

**House Bill No. 2301** -- Municipal Government -- Authorizes municipalities to require property owner, tenant or occupant of commercial or residential structure to connect to public water system and refrain from obtaining water by any other method. Amends TCA, Title 68, Ch. 221.

Rep. Odom moved that **House Bill No. 2301** be reset one week to the Calendar for Thursday, March 17, 1994, which motion prevailed.

**House Bill No. 2231** -- Education -- Revises provisions concerning school searches; establishes reasonable suspicion as standard for search. Amends TCA, Title 49, Ch. 6.

On motion, **House Bill No. 2231** was made to conform with **Senate Bill No. 1845**; the **Senate Bill** was substituted for the **House Bill**.

Rep. Odom moved that **Senate Bill No. 1845** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 1845** be passed on third and final consideration.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Odom moved that **Senate Bill No. 1845** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Brown, Turner (Shelby) -- 2.

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A motion to reconsider was tabled.

**House Bill No. 2229 -- Motor Vehicles -- Establishes pre-seizure notice of abandoned motor vehicles. Amends TCA, Title 55, Ch. 16, Pt. 1.**

On motion, House Bill No. 2229 was made to conform with **Senate Bill No. 1843**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that **Senate Bill No. 1843** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 1843 and have this statement entered in the Journal: Rep(s). Williams (Union).

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1933 -- Handicapped Persons -- Provides that permanent parking placards for disabled persons be renewed every two years for \$5.00 fee; changes terminology from "handicapped person" to "disabled person"; changes manner of displaying placard to conform to federal recommendations. Amends TCA, Title 55, Ch. 21, Pt. 1.**

On motion, House Bill No. 1933 was made to conform with **Senate Bill No. 1831**; the Senate Bill was substituted for the House Bill.



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Rep. Odom moved that **Senate Bill No. 1933** be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

Rep. Odom moved that **Senate Bill No. 1831** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Haun -- 1.

A motion to reconsider was tabled.

**House Bill No. 2010** -- Game and Fish Laws -- Revises taking of game fish and shellfish. Amends TCA 70-2-205, 221, 222, 70-4-119.

Rep. Odom moved that **House Bill No. 2010** be reset two weeks to the Calendar for Thursday, March 24, 1994, which motion prevailed.

**\*House Bill No. 1869** -- Alcoholic Beverages -- Expands scope of application of law concerning transfer of beer brands between suppliers. Amends TCA 57-5-512.

Rep. Head moved that **House Bill No. 1869** be passed on third and final consideration.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Head moved that **House Bill No. 1869** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2367** -- Taxes, Gasoline, Petroleum Products -- Exempts from posting a bond to the department of revenue limited users of petroleum products whose tax liability for the previous year did not exceed tax due on 3,600 gallons. Amends TCA 67-3-104.

Rep. Head moved that **House Bill No. 2367** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

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MESSAGE FROM THE SENATE  
March 10, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2541; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 2541** -- Taxes, Real Property -- Exempts from property tax, property used for housing low income persons with disabilities, elderly or handicapped persons financed by grant under Housing Act of 1949, Section 515[b] or 521 by Tennessee nonprofit corporations. Amends TCA, Title 67, Ch. 5, Pt. 2. by \*Cooper.

CHAIR TO SPEAKER PRO TEMPORE

Mr. Speaker Naifeh relinquished the Chair to Rep. Severance, as Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

\***House Bill No. 2383** -- Taxes, Real Property -- Exempts from property tax, property used for housing low income persons with disabilities, elderly or handicapped persons financed by grant under Housing Act of 1949, Section 515[b] or 521 by Tennessee nonprofit corporations. Amends TCA, Title 67, Ch. 5, Pt. 2.

On motion, House Bill No. 2367 was made to conform with **Senate Bill No. 2541**; the Senate Bill was substituted for the House Bill.

Rep. Rigsby moved that **Senate Bill No. 2541** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Rigsby moved that **Senate Bill No. 2541** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway,

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Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 2541 and have this statement entered in the Journal: Rep(s). Ritchie.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1768** -- State Employees -- Authorizes annual and sick leave to be transferred to another state employee who has exhausted such leave. Amends TCA 8-50-802.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

Rep. Rigsby moved that House Bill No. 1768 be reset one week to the Calendar for Thursday, March 17, 1994, which motion prevailed.

**House Bill No. 2066** -- Liens -- Conforms period of lien to federal law; lien continues until liability or judgment against taxpayer arising out of liability is satisfied or becomes unenforceable by reason of lapse of time. Amends TCA, Title 67.

On motion, House Bill No. 2066 was made to conform with **Senate Bill No. 1999**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that **Senate Bill No. 1999** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2.

Rep. Buck moved that **Senate Bill No. 1999** be passed on third and final consideration.

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Rep. Purcell moved the previous question, which motion failed.

Rep. Haun moved the previous question, which motion prevailed.

**Senate Bill No. 1999** passed on third and final consideration by the following vote:

Ayes. . . . .	96
Noes. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Robinson -- 1.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on **Senate Bill No. 1999** and have this statement entered in the Journal: Rep(s). Stamps.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2540** -- Air Pollution -- Establishes expanded violations and increases penalty for air pollution control violations. Amends TCA 68-201-112.

Rep. Hargrove moved that **House Bill No. 2540** be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND **House Bill No. 2540** by deleting Section 2 of the printed bill in its entirety and by substituting instead the following new language:

SECTION 2. Tennessee Code Annotated, Section 68-201-112(a), is further amended in the first sentence by adding, prior to the word "commits", the following language: "or permit condition; or who knowingly makes any false material statement, representation, or certification in any record, report, plan or other document required by permit to be either filed or maintained; or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained or followed; or who knowingly fails to pay a fee established by the air pollution control board;" and is further amended by adding the following language at the end of the first sentence: "with the fine not to exceed ten thousand dollars (\$10,000) per day per violation".

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 2540**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	2
Present and not voting . . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Whitson, Winningham -- 2.

Representatives present and not voting were: Joyce -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 2529 -- Liens --** Allows adjustment or recovery of payment for medical assistance for certain individuals who were 55 rather than 65 at time medical assistance received. Amends TCA 71-5-116.

Rep. Hargrove moved that **House Bill No. 2529** be passed on third

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and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	2
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Boyer, Westmoreland -- 2.

Representatives present and not voting were: Chumney, Venable -- 2.

A motion to reconsider was tabled.

**House Bill No. 1722 -- Industrial Hygienists --** Adds definition for "professional industrial hygienist"; establishes civil penalty for violation; requires practice of industrial hygiene to be done by professional industrial hygienist. Amends TCA, Title 62, Ch. 40.

On motion, House Bill No. 1722 was made to conform with **Senate Bill No. 1707**; the Senate Bill was substituted for the House Bill.

Rep. Peroulas Draper moved that **Senate Bill No. 1707** be passed on third and final consideration.

On motion, Rep. Clark withdrew Consumer and Employee Affairs Committee Amendment No. 1.

On motion, Rep. Clark withdrew Consumer and Employee Affairs Committee Amendment No. 2.

On motion, Rep. Clark withdrew Consumer and Employee Affairs Committee Amendment No. 3.

Rep. Peroulas Draper moved that **Senate Bill No. 1707** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Venable, Wailey, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Chiles, Coffey -- 2.

A motion to reconsider was tabled.

**House Bill No. 2728** -- Local Government, General -- Provides for authority and responsibility to name roads and streets and assign property numbers for emergency communications districts. Amends TCA, Title 7, Ch. 86.

Further consideration of House Bill No. 2728, previously considered on today's Calendar.

Rep. Love withdrew his previous motion to adopt State and Local Government Committee Amendment No. 1. He then made a motion to withdraw the amendment, which motion prevailed.

Rep. Love moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2728 by deleting the language "done in compliance with applicable regulations of" from the amendatory language of subsection (a) of Section 2, and by substituting instead the language "in a manner acceptable to".

AND FURTHER AMEND by deleting the words "naming or" from the amendatory language of subsection (c) of Section 2.

On motion, Amendment No. 2 was adopted.

Rep. Duer moved that **House Bill No. 2728**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes. . . . .	97
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Cole (Dyer) -- 1.

A motion to reconsider was tabled.

**House Bill No. 2295 -- Public Records --** Permits CD ROM disks to be used for maintaining governmental records, provided certain standards are met. Amends TCA, Title 10, Ch. 7, Pt. 1.

On motion, House Bill No. 2295 was made to conform with **Senate Bill No. 2423**; the Senate Bill was substituted for the House Bill.

Rep. Coffey moved that **Senate Bill No. 2423** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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**House Bill No. 2277** -- Hazardous Materials -- Removes liability of local governments for clean up of contaminated sites acquired for collection of delinquent taxes. Amends TCA, Title 68, Chs. 212, 215.

On motion, House Bill No. 2277 was made to conform with **Senate Bill No. 1814**; the Senate Bill was substituted for the House Bill.

Rep. Coffey moved that **Senate Bill No. 1814** be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Coffey moved that **Senate Bill No. 1814** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**MOTION TO RE-REFER**

Rep. Rigsby moved to re-refer Senate Bill No. 1948 to the Calendar and Rules Committee, which motion he then withdrew.

**RULES SUSPENDED**

Rep. Coffey moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 364 out of order, which motion prevailed.

**Senate Joint Resolution No. 0364** -- Memorials, Death -- Horace Wells.

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On motion of Rep. Coffey, with the request that all members voting aye be added as sponsors, the resolution was concurred in by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Resolution No. 147 out of order, which motion prevailed.

**House Resolution No. 0147 --** Memorials, Personal Occasion -- C.G. and Marjoe Lemmons, 50th wedding anniversary. by \*Hargrove.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

**BILLS WITHDRAWN**

On motion of Rep. Collier, **House Bill No. 621** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Turner (Hamilton), **House Bill No. 1293** was recalled from the Conservation and Environment Committee and withdrawn from the House.

On motion of Rep. Turner (Hamilton), **House Bill No. 1294** was recalled from the Conservation and Environment Committee and withdrawn from the House.

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On motion of Rep. Miller, House Bill No. 2794 was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

**REPORT OF DELAYED BILLS COMMITTEE  
March 10, 1994**

Pursuant to Rule No. 77, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 2842 and 2866.

Jimmy Naifeh, Speaker  
Bill Purcell  
H. E. Bittle

**SPONSORS ADDED**

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1683: Rep(s). Jackson as prime sponsor(s).

House Bill No. 1768: Rep(s). Cole (Carter), Kent, Whitson and Windle as prime sponsor(s).

House Bill No. 2152: Rep(s). Odom and Pruitt as prime sponsor(s).

House Bill No. 2164: Rep(s). Fowlkes as prime sponsor(s).

House Bill No. 2231: Rep(s). Bell, Davis, Tindell, Boyer, Armstrong, Bittle, McDaniel, Whitson, Hargrove, Winningham, Stulce, Wood, Haun, Kent, Cole (Carter), Kisber, Cross, Ridgeway and Phillips as prime sponsor(s).

House Bill No. 2229: Rep(s). Boyer as prime sponsor(s).

House Bill No. 2277: Rep(s). McDaniel, Peroulas Draper and Whitson as prime sponsor(s).

House Bill No. 2315: Rep(s). McDaniel and Bittle as prime sponsor(s).

House Bill No. 2388: Rep(s). Walley as prime sponsor(s).

House Bill No. 2529: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 2544: Rep(s). Haun and McDaniel as prime sponsor(s).

House Bill No. 2545: Rep(s). Haun and McDaniel as prime sponsor(s).

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**House Bill No. 2555:** Rep(s). Hargrove as prime sponsor(s).

**House Bill No. 2562:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 2571:** Rep(s). Fisher and Williams (Union) as prime sponsor(s).

**House Bill No. 2574:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 2642:** Rep(s). Pruitt as prime sponsor(s).

**REPORT OF CHIEF ENGROSSING CLERK**

**March 10, 1994**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1747, 1939, 1987, 2001 and 2120; also, House Joint Resolution(s) No(s). 465.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 10, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2620; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 10, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 489, 490 and 491; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**March 10, 1994**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1869, 2128, 2367, 2544, 2545, 2569 and 2743; also, House Joint Resolution(s) No(s). 504, 505, 507, 509, 510, 511 and 513.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**THURSDAY, MARCH 10, 1994 -- SEVENTY-THIRD LEGISLATIVE DAY**

**ENROLLED BILLS**

**March 10, 1994**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2005, 2190, 2211, 2212, 2337, 2843, 2855, 2858, 2860, 2861, 2863 and 2865; House Joint Resolution(s) No(s). 473, 475, 476, 479, 480, 481, 483, 484, 485, 488 and 497; also, House Resolution(s) No(s). 119, 141 and 143.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**March 10, 1994**

The Speaker signed the following: House Bill(s) No(s). 2005, 2190, 2211, 2212, 2337, 2843, 2855, 2858, 2860, 2861, 2863 and 2865; House Joint Resolution(s) No(s). 473, 475, 476, 479, 480, 481, 483, 484, 485, 488 and 497; also, House Resolution(s) No(s). 119, 141 and 143.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**March 10, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2529, 2540 and 2728.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 10, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 876, 1729, 1920, 1951, 1963, 2007 and 2759; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 0876** -- Hazardous Materials -- Revises Tennessee Hazardous Waste Management Act. Amends TCA 68-212-104, 108, 68-212-202--207, 209. by \*Greer, \*Kyle, \*Rice, \*Crowe, \*Hamilton, \*Crutchfield, \*Springer, \*Jordan, \*Wallace.

**Senate Bill No. 1729** -- Medical Occupations -- Requires all persons receiving and dispatching calls for emergency medical services who give pre-arrival medical care instructions to be certified as emergency medical dispatchers. Amends TCA, Title 68, Ch. 140, Pts. 2, 5. by \*McKnight.

**THURSDAY, MARCH 10, 1994 -- SEVENTY-THIRD LEGISLATIVE DAY**

**\*Senate Bill No. 1920** -- Sunset Laws -- Tellico reservoir development, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1. by \*Haynes, \*Patten.

**\*Senate Bill No. 1951** -- Hospitals and Health Care Facilities -- Revises licensure and certificate of need requirements for home health companies. Amends TCA, Title 68, Ch. 11, Pts. 1, 2. by \*Cooper.

**\*Senate Bill No. 1963** -- Real Estate Agents and Brokers -- Adds position of director of education to real estate commission. Amends TCA, Title 62, Ch. 13, Pt. 2. by \*Womack, \*McKnight.

**\*Senate Bill No. 2007** -- Administrative Procedure -- Directs state agency to deliver copies or drafts of certain documents upon request; requires rules incorporating federal regulations to quote federal regulations verbatim. Amends TCA, Title 4, Ch. 5. by \*Jordan.

**Senate Bill No. 2759** -- Parks, Natural Areas Preservation -- Increases authority of commissioner of finance and administration and comptroller in approval and auditing of nonprofit organizations for support and enhancement of state parks. Amends TCA, Title 11, Ch. 3, Pt. 2. by \*Henry, \*McKnight.

**CONSENT CALENDAR**

**March 10, 1994**

The following local bill has been placed on the Consent Calendar for **Monday, March 14, 1994**: House Bill(s) No(s). 2872.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

**THURSDAY, MARCH 10, 1994 -- SEVENTY-THIRD LEGISLATIVE DAY**

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, March 14, 1994.